

SENATE State Admin

Exhibit No. 8

Date 3-23-2011

Bill No. HB 344



OFFICE OF THE MAYOR

435 RYMAN MISSOULA, MONTANA 59802-4297

March 7, 2011

The Honorable Jim Shockley
Members of the Senate State Administration Committee
Montana Senate
PO Box 200400
Helena, MT 59620-0400

Sent via email and FAX to (406) 444-4875

Chairman Shockley and Members of the Committee:

I'm writing today in opposition for HB344, which would allow for-profit, private sector firms to compete with non-profit, community-based correctional programs.

The City of Missoula's long, productive and successful relationship with Missoula Correctional Services is all the evidence I need to know that these community programs, which operate to serve local taxpayers rather than stockholders from outside Montana, are best suited to manage pre-release, community service and supervision programs.

Montana's had some bad experience with private corrections and this bill, in my opinion, provides an opportunity for more of that bad experience. Local, not-for-profit correctional programs are accountable to the communities they serve. I hope they continue to get the consideration they deserve.

Thank you for your consideration of this letter.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Engen".

John Engen
Mayor

cc: Sue Wilkins, Missoula Correctional Services
Alec Hansen, Montana League of Cities and Towns
John MacDonald, Gallatin Public Affairs

ROBERT S. REID

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March 18, 2011

The Honorable Jim Shockley
Members of the Senate State Administration Committee
Montana Senate
P.O. Box 200400
Helena, MT 59620-0400

Chairman Shockley and Members of the Committee:

I am writing today in opposition to HB344. As a retired police officer with twenty-five years of service, and a long time member of the Board of Directors of Missoula Correctional Services, I am fully aware of the many challenges facing pre-release and other community based correctional programs. These challenges include finances, public safety, community support, local professional relationships, and program effectiveness. Such programs also are significant employers within their communities.

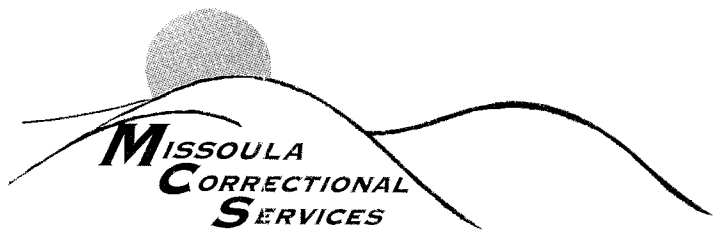
Community based non-profits, because of their diverse local orientation, are equipped meet *all* of these challenges. We are accountable to the public and responsive to our local citizens in a way that for-profit entities, often under the control of out-of-state corporate executives, boards of directors and investors, simply are not.

I urge you to recognize and support the unique role of community based non-profits in the realm of corrections by voting against HB344.

Sincerely,



Robert S. Reid



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SUE WILKINS
EXECUTIVE DIRECTOR

March 23, 2011

**MISSOULA
PRE-RELEASE
CENTER**

Dear Chairman Shockley and Members of the Senate State Administration Committee,

**COMMUNITY
SERVICE
PROGRAM**

My name is Sue Wilkins. I am the Executive Director of Missoula Correctional Services commonly known as MCS. MCS is a non-profit corporation that provides various community corrections programs for the State, County, and City of Missoula. Those programs include a pre-release program for 110 inmates transitioning from the State prisons, Regional prisons, and secure treatment facilities back into our local community.

**MISDEMEANOR
SUPERVISION
PROGRAM**

I am here in opposition to HB 344 and the changing of existing statute that would allow for profit companies to compete with non-profit companies for the operation of community based correctional programs. It is my understanding that the intent of this legislation is to allow greater competition to the RFP process and to obtain State contracts that are the lowest possible cost to tax payers during these tough economic times.

**PRETRIAL
SUPERVISION
PROGRAM**

MCS does its best to save money every day for the tax payers of our State. It is one of the reasons that having community based correctional programs is a sound idea and it is why it is important that these programs be overseen by a Board of Directors – a Board that is composed of members of our community who understand the local needs and goals of our community, a Board who has a vested interest in their community's safety. Because we are Montana tax payers we insure that every penny we save is used towards our local programs. Thus all our funding remains in Montana and supports our local communities. This is not true of a for profit business whose role is to make money for its stockholders. In all likelihood for profit contractors will be large companies from out of state such as Corrections Corporation of America, known as CCA, GEO Group, or Cornell Companies– and therefore, the profits will leave the State not helping our local communities.

In a review of a news release from CCA announcing their financial earnings for the calendar year 2009, they tout how they netted \$155 million for that year - \$42.5 in the last quarter alone. Their emphasis in the report is on making money for their stock holders. In comparison, a local non-profit's emphasis is on public safety, successful re-entry of offenders into our communities, development of treatment programming, and saving tax payer money.

Some hold to the belief that private for profit businesses can save a significant amount of money for our State compared to public agencies or non-profit corporations. The Congressional Research Service Report to Congress (R41177), dated April 13, 2010, on the Economic Impacts of Prison Growth, cites two reports that conclude there is minimal saving from privatization of public secure facilities.

The Congressional Research Service also reports that the DOJ's Bureau of Justice Assistance 2001 study found three main differences between private and public prisons. Private prisons have

- lower staff to inmate ratios,
- less sophisticated information management systems, and
- a higher reported rate of serious incident involving inmates.

The low staff to inmate ratios as a mechanism to make money for their shareholders is particularly worrisome when it comes to community based corrections. MCS has offenders every day in our community working jobs, going to school, and attending treatment. A major function of our staff is to conduct random location checks of our offenders and insure that each is where he/she is supposed to be, to insure that they are not using alcohol or illegal drugs, and to insure that each is not committing new crimes. Public safety is paramount and it should not be put in jeopardy by not having adequate staffing in order that shareholders can make more money.

I emphasize that local control of community programs should be viewed as an essential component of any community corrections program as this is what will insure the public safety of our communities.

I strongly feel that the corrections system will be irreparably changed if this bill passes. Once a State turns over the operation of a correctional facility or program to others, it is difficult to take those operations back. This is of particular concern when a State turns the operation to a for profit business. Montana's experience with the for profit prison in Shelby, Crossroads Correctional Facility operated by CCA, certainly shows that there can be unforeseen consequences that can impact the correctional system and the State's ability to control corrections. Senator Shockley is one of the few remaining legislatures who has knowledge of that history and can provide you with a historical perspective on the relationship between the legislature and CCA. Suffice it to say that Representatives and Senators from both sides of

the aisle have through the years questioned the soundness of the decision made back in 1999 to allow the for profit prison.

In summary, I would respectfully ask the committee to vote against this bill or at the very least, amend HB 344 to remove the proposed changes to Section 53-1-203 which is addressed in section 14 of the bill and to adjust other portions of the legislation so it is compatible to not having changes made to Section 53-1-203. Keeping the bill as written has the potential to take away local and State control of community correction programs, takes money away from our local communities, and impacts public safety.

Sincerely,

A handwritten signature in black ink, appearing to read "Sue L. Wilkins", followed by a long horizontal flourish.

Sue L. Wilkins, Executive Director
Missoula Correctional Services, Inc.